

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

SMARTDESKS, INC., et al. *

Plaintiffs *

vs. * CIVIL ACTION NO. MJG-05-3456

CBT SUPPLY, INC., et al. *

Defendants *

* * * * *

MEMORANDUM AND ORDER

The Court has before it Plaintiffs' Motion to Substitute [Paper 20], Plaintiffs' Motion to Amend Complaint [Paper 33], Defendants' Motion to Compel Responses to Discovery [Paper 27], and the materials submitted relating thereto. The Court has conferred with counsel regarding the case in general and the aforesaid motions in particular. The Court finds that it is not necessary to have a formal hearing.

Accordingly:

1. Plaintiffs' Motion to Substitute [Paper 20] is GRANTED.
 - a. Marcia Stengel, Personal Representative of the Estate of Peter J. Stengel, is hereby substituted for Peter J. Stengel as a Plaintiff herein.
 - b. Marcia Stengel is subject to all existing obligations of Peter J. Stengel with respect to the instant case, including but not limited to discovery obligations.

2. Plaintiffs Motion to Amend Complaint [Paper 33] is GRANTED.
 - a. The proffered First Amended Complaint is deemed filed on the date of this Order.
 - b. Defendants shall respond to the First Amended Complaint in due course.
3. Defendants' Motion to Compel Responses to Discovery [Paper 27] is GRANTED IN PART.
 - a. Plaintiff Marcia Stengel shall comply with outstanding document production requests by June 21¹ and, by that date, shall provide a privilege log in compliance with Fed. R. Civ. P. 26(b)(5) with regard to any documents withheld from production by virtue of a claimed privilege. (For further information, see Appendix A, Guideline 9, item c of the Local Rules.)
 - b. By June 10, Plaintiff Smartdesks, Inc. shall provide a privilege log in compliance with Fed. R. Civ. P. 26(b)(5) with regard to any documents withheld from production by virtue of a claimed privilege.
4. With regard to document production made by Smartdesks, Inc. on May 30 in the form of an electronic storage disk and a box of documents.
 - a. All items produced shall be used by Defendants solely for the purpose of defending this case.
 - b. Defendants shall provide a Bates stamped copy of the box of documents produced, and Plaintiffs shall, within a week of receipt of the copies, notify Defendants of any claim

¹ All date references herein are to the year 2006 unless otherwise indicated.

that the box of documents produced included any documents not copied and Bates stamped.

c. The data on the electronic disks shall be subject to further restriction:

(1) Defense counsel may provide printouts - made in a normal fashion - of the materials to their clients for use in the instant case only.

(2) Electronic data not printed in the normal fashion - including so called "metadata" - is to be disclosed only to counsel and to any experts assisting counsel but not to clients except as may be provided by further Order.

5. A First Amended Scheduling Order shall be issued herewith.

SO ORDERED, on Wednesday, May 31, 2006.

_____/ s /_____
Marvin J. Garbis
United States District Judge